

**Opening Statement of Chairman Tom Davis  
Government Reform Committee Hearing  
Common Sense Justice for the Nation's Capital: An Examination of Proposals to  
Give D.C. Residents Direct Representation  
June 23, 2004**

Good morning.

The District of Columbia is many things to many people. Home to more than half a million people of diverse backgrounds; capital of the free world; symbol of democracy. But perhaps most fundamentally, it's a creature of the Constitution.

The District's unique constitutional status and historic evolution – and the fact that it has characteristics of a city and state, in addition to its federal component – leave us with one of the most profound democratic paradoxes of our time: how to reconcile the Framers' vision for the nation's capital with their aim to establish a republican form of government in the new United States, when the citizens of the federal city lack the primary tool of democratic participation: representation in the national legislature.

For many years, I've acknowledged publicly that there's an unacceptable contradiction between the democratic ideals upon which this country was founded and the District's exclusion from true congressional representation. Let's be real: how can you argue with a straight face that D.C. should not have some direct Congressional representation?

For more than two centuries, D.C. residents have fought in ten wars and paid billions of dollars in federal taxes. They have sacrificed and shed blood to help bring democratic

freedoms to people in distant lands. But here, at the symbolic apex of democracy, they lack what is arguably the most fundamental right of all.

For the past year and half, my staff and I have undertaken an intellectual and political journey to learn more about the interaction between the Constitution and the District. As we studied the problem of the lack of direct Congressional representation, we focused on two prime requirements for any plan that I could support. First, it needed to be permissible under the Constitution. Second, it needed to be politically achievable in the current political environment.

Today we want to discuss four legislative proposals for giving the District direct representation in Congress, including my own. All of these plans share one central characteristic. Instead of relying on courts to find some latent Constitutional authority to force representation -- which, to date, they have firmly declined to do -- instead of proposing a drawn-out, dead-on-arrival Constitutional amendment process, each requires Congress to take legislative action to remedy this inequity.

One of the plans we will hear about today requires Congress to treat the District as a state and grant the District full representation in both the House and the Senate. One allows the people of the District to vote with the people of the State of Maryland in House and Senate elections. Another gives to the State of Maryland most of the District except for the central federal core of the city.

Each of these proposals is commendable, recognizing the untenable injustice of the current situation. Each reflects or illuminates the Constitutional authority granted to Congress in the District Clause. Each is worthy of careful study and debate.

I am offering a fourth plan that I believe is not only constitutionally viable but also politically feasible.

My plan is really very simple. Treat the District as a congressional district for the purposes of allowing the people of the District to elect a full, voting member to the House of Representatives. Secondly, increase the size of the House of Representatives by two, to 437, until reapportionment for the 2012 election. My plan would not affect the make up of the Senate in any way, nor would it affect the operation of the 23<sup>rd</sup> Amendment that gives the District three electoral votes in any way.

This plan is a reasonable effort to give the people of the District fair and full representation in the one House. I believe there is a sound basis in the Constitution that Congress has the power under the District Clause in Article I, Section 8 to provide for such representation. The District Clause itself confers extremely broad authority over the District on Congress: Congress's authority is "exclusive" and covers "all Cases whatsoever" in the District. Article I, Section 2, that establishes the House provides that members of the House are to be elected "*by the People of the several States.*" I believe this reference to the "several States" should not be construed to preclude voting by the people of the District, but, under the authority of the District Clause, to permit Congress

to allow it should Congress decide to do so. After all, at the time this requirement was established, there was no District of Columbia, only the people of the several states, which included people who would become citizens of the District. This description of the House and the people who would vote for House members, when considered in conjunction with Congress's broad authority under the District Clause, does not establish that the Framers intended to foreclose Congress's authority to permit representation in the House of all the people of the states that would comprise the Nation. But these considerations and others will be addressed more fully by the analysis provided by Viet Dinh.

By increasing the size of the House by two until reapportionment for the 2012 election, we make this plan politically viable. Let me be blunt: I don't feel it's a sign of weakness in our system to have to consider politics as part of the process. To ignore politics is to ignore the primary motivating force of governmental life. Political considerations are neither good nor bad; they simply are.

In this situation, the current apportionment allows us to increase the House in a balanced fashion, as we have done throughout the nation's history. By adding two seats and re- apportioning seats in the House, it is expected that the other new seat will fall to the State of Utah. It is not unreasonable to assume that a Republican would likely win this new seat. This is the politically neutral approach; this is the way to take the partisan sting out of doing what is right.

Finally, I should point out that this sort of bill is only likely to succeed during the middle years between reapportionments, at a time when it is impossible to determine accurately which states will gain and which states will lose seats after the next census, in this case the 2010 Census. We have a short period in which we can do great good by giving the District full representation in the House of Representatives.

Who knows when this confluence of circumstances will occur again? Will it take decades? What if it takes centuries? We may never be able to pay so small a price to remove so large an injustice again. Now is the time to act.

Americans set the standard for democracy and democratic principles for the rest of the world. It's our duty and honor to set a sterling example. Failing to permit some 550,000 hard-working, patriotic residents of the nation's capital to vote in Congress is so difficult to rationalize because it is, at its core, anti-democratic.

Will moving forward with any of the measures before us today be easy? Not at all. But I have great faith in my colleagues and their willingness to let reason prevail. We need to forge consensus among members with disparate views. Congress will ultimately grant voting rights to the District of Columbia because – and it's really no more complex than this – it is the right thing to do.

We welcome today the two fellow Members to share their plans for giving the District representation, Representative Ralph Regula of Ohio and Representative Dana

Rohrabacher of California. We are also honored to have with us today the Mayor of Washington, Anthony Williams, and the Chairman of the Council of the District of Columbia Linda Cropp.

Finally, we are honored to have a distinguished third panel that I will introduce at the appropriate time to share their views on the plans that have been offered. All of these witnesses have made significant sacrifices to join us today and their presence is greatly appreciated.